

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)
)
 LAURENCE D. COLMAN, M.D.)
 Certificate No. G-57582)
)
 Respondent.)
_____)

No. 05-92-22784


DECISION

The attached Stipulation for Surrender of License is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective on June 29, 1998.

IT IS SO ORDERED June 22, 1998.

By:



IRA LUBELL, M.D.
Chairperson, Panel A
Division of Medical Quality

1 DANIEL E. LUNGREN
Attorney General of the State of California
2 ELISA B. WOLFE
Deputy Attorney General, State Bar No. 120357
3 California Department of Justice
300 South Spring Street, Suite 5212
4 Los Angeles, California 90013-1204
Telephone: (213) 897-2555

5 Attorneys for Complainant
6
7

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation)
Against:)

MBC Case No. 05-92-22784

13 LAURENCE D. COLMAN, M.D.)
14 850 Steeles Avenue West #1006)
Thornhill, Ontario, Canada L4J8E7)

OAH No. L-1997050442

15 Physician's and Surgeon's)
16 Certificate No. G-57582,)

STIPULATION FOR
SURRENDER OF LICENSE

17 Respondent.)
18

19 **IT IS HEREBY STIPULATED AND AGREED** by and between the
20 parties to the above-entitled proceedings, that the following
21 matters are true:
22

23 1. Ron Joseph ("complainant") is the Executive
24 Director of the Medical Board of California, Department of
25 Consumer Affairs ("Board") and is represented by Daniel E.
26 Lungren, Attorney General of the State of California by Elisa B.
27 Wolfe, Deputy Attorney General.

1 2. Laurence D. Colman, M.D. ("respondent") is
2 represented in this matter by C. Snyder Patin, Esq., whose office
3 is located at 222 S. Harbor Boulevard, Suite 600, Anaheim,
4 California 92805. Respondent has counseled with his attorney
5 concerning the effect of this stipulation which respondent has
6 carefully read and fully understands.

7 3. Respondent has received and read the Accusation
8 which is presently on file and pending in Case No. 05-92-22784
9 before the Division of Medical Quality ("Division") of the
10 Medical Board of California. A copy of said Accusation is
11 attached hereto and incorporated herein by this reference.

12 4. Respondent understands the nature of the charges
13 alleged in the Accusation and that, if proven at hearing, such
14 charges and allegations would constitute cause for imposing
15 discipline upon respondent's license issued by the Board.

16 5. Respondent and his counsel are aware of each of
17 respondent's rights, including the right to a hearing on the
18 charges and allegations, the right to confront and cross-examine
19 witnesses who would testify against respondent, the right to tes-
20 tify and present evidence on his own behalf, as well as to the
21 issuance of subpoenas to compel the attendance of witnesses and
22 the production of documents, the right to contest the charges and
23 allegations, and other rights accorded respondent pursuant to the
24 California Administrative Procedure Act (Gov. Code §§ 11300 et
25 seq.) and other applicable laws, including the right to seek
26 reconsideration, superior court review, and appellate review.

27 /

1 6. In order to avoid the expense and uncertainty of a
2 hearing, respondent freely and voluntarily waives each and every
3 one of these rights set forth above. For the purpose of
4 resolving Board Case No. 05-92-22784 without further proceedings:
5 (1) respondent agrees that, at a hearing, complainant could
6 present a prima facie case establishing the charges in the
7 Accusation on file in said case, and (2) respondent hereby gives
8 up his right to contest the charges and causes for discipline set
9 forth in the Accusation on file in said case. Respondent further
10 agrees to surrender his Physician's and Surgeon's Certificate for
11 the Division's formal acceptance. Upon (1) the Division's formal
12 acceptance of respondent's surrender of his physician's and
13 surgeon's certificate, and (2) respondent's compliance with the
14 requirements set forth in paragraph 8 infra, the Accusation on
15 file in this case shall be withdrawn.

16 7. Respondent understands that by signing this stipu-
17 lation, he is enabling the Division of Medical Quality to issue
18 its order accepting the surrender of his Physician's and Sur-
19 geon's Certificate without further process. He understands and
20 agrees that Board staff and counsel for complainant may communi-
21 cate directly with the Division regarding this stipulation, with-
22 out notice to or participation by respondent or his counsel. In
23 the event that this stipulation is rejected for any reason by the
24 Division, it will be of no force or effect for either party. The
25 Division will not be disqualified from further action in this
26 matter by virtue of its consideration of this stipulation.

27 /

1 8. Upon acceptance of the stipulation by the
2 Division, respondent understands that he will no longer be
3 permitted to practice as a physician and surgeon in California,
4 unless and until his physician's and surgeon's certificate is
5 reinstated. Respondent agrees to surrender and cause to be
6 delivered to the Division both his license and wallet certificate
7 before the effective date of the decision.

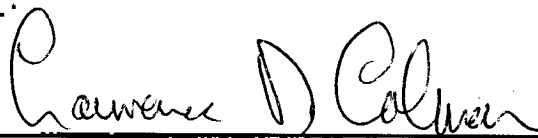
8 9. Respondent fully understands and agrees that in
9 the event he files an application for relicensure or reinstatement
10 in the State of California, then (1) the Division shall
11 treat it as a petition for reinstatement, (2) respondent must
12 comply with all the laws, regulations and procedures for
13 reinstatement of a revoked license in effect at the time the
14 petition is filed, (3) the Accusation previously filed in Board
15 Case No. 05-92-22784 shall be refiled without respondent's claim
16 of laches accruing from April 15, 1997, to the date of refiling,
17 and (4) all of the charges and allegations contained in the
18 Accusation filed in Board Case No. 05-92-22784 will be deemed to
19 be ~~true, correct and~~ admitted by respondent when the Division
20 determines whether to grant or deny the petition.

h. Edgar 11/11/97 *EW* 12-31-97

21 10. Respondent also fully understands and agrees that
22 in the event he files an application for relicensure or
23 reinstatement in the State of California, then he shall be
24 required to reimburse the Division for the cost of investigating
25 and prosecuting Medical Board Case No. 05-92-22784 (DOJ docket
26 no. LA96AD2172). Payment in full must be tendered as a condition
27 precedent to the Division's acceptance and consideration of such

1 Board of California, for its formal acceptance. By signing this
2 stipulation to surrender my physician's and surgeon's certifi-
3 cate, I recognize that upon its formal acceptance by the Divi-
4 sion, I will lose all rights and privileges to practice as a
5 physician and surgeon in the State of California. I will cause
6 to be delivered to the Division both my wall certificate and
7 wallet card, as well as my triplicate prescription books (used
8 and unused), before the effective date of the decision.


9 DATED: 11/11/97

10 
11 LAURENCE D. COLMAN, M.D.
12 Respondent
13

14 I concur in the stipulation.

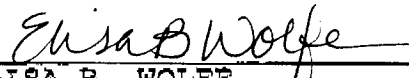
15
16 DATED: Oct 29, 1997

17 LAW OFFICES OF O'FLAHERTY & BELGUM

18 
19 C. SNYDER FATIN, ESQ.
20 Attorney for Respondent
21

22 DATED: 12-31-97

23 DANIEL E. LUNGREN, Attorney General
24 of the State of California

25 
26 ELISA B. WOLFE
27 Deputy Attorney General
Attorneys for Complainant

1 DANIEL E. LUNGREN
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7

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO April 15 19 97
BY H. G. Johnson ANALYST

8 BEFORE THE
9 DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation) MBC Case No. 05-92-22784
Against:)
12)
13 LAURENCE D. COLMAN, M.D.)
2021 Santa Monica Boulevard)
Suite 212-E)
14 Santa Monica, California 90404)
Physician's and Surgeon's)
15 Certificate No. G-57582,)
Respondent.)
16)
17)
18)
19)

ACCUSATION

20 RON JOSEPH ("Complainant"), for causes for discipline,
21 alleges:
22

23 PARTIES

24 1. Complainant makes and files this accusation solely
25 in his official capacity as the Executive Director of the Medical
26 Board of California ("Board").
27 /

1 2. On or about July 1, 1986, the Board issued
2 Physician's and Surgeon's Certificate No. G-57582 to Laurence D.
3 Colman, M.D. ("respondent"). At all times relevant to the charges
4 brought herein, this license was in full force and effect. Said
5 license expired on or about August 31, 1995 and has not been
6 renewed.

7 8 **JURISDICTION AND LEGAL AUTHORITY**

9 3. This accusation is brought before the Division of
10 Medical Quality ("Division") of the Medical Board of California,
11 Department of Consumer Affairs, pursuant to the authority set forth
12 in the ensuing sections of the California Business and Professions
13 Code ("B&P").

14 4. B&P § 2220 requires that the Division of Medical
15 Quality of the Medical Board of California shall enforce and ad-
16 minister the provisions of Article 12^{1/} of the Medical Practice
17 Act^{2/} as to all holders of physician's and surgeon's certificates.

18 5. B&P § 2227 provides that the Division may revoke,
19 suspend for a period not to exceed one year, or place on probation,
20 the license of any licensee who has been found guilty under the
21 Medical Practice Act.

22 6. B&P § 2234 provides in relevant part that:

23 "The Division of Medical Quality shall take action
24 against any licensee who is charged with unprofessional con-
25

26 1. Business and Professions Code sections 2220-2319.

27 2. Business and Professions Code section 2000 et seq.

duct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter.

"(b) Gross negligence.

"(c) Repeated negligent acts.

"(d) Incompetence...."

I. IN RE: "K.G." - MARCH 1989

7. At all times relevant herein, K.G.^{3/} was a minor female individual residing in the State of California.

8. K.G. sought medical care from respondent for, inter alia, her history of abdominal pain and irregular menses.

9. On or about March 30, 1989, respondent admitted K.G. to the hospital for a diagnostic laparoscopy concerning a possible ectopic pregnancy. Although he lacked sufficient training or supervision, he also attempted a laparoscopic appendectomy on K.G. He shredded the appendix and used the wrong instrument to remove it from the body, which caused spillage into the abdominal cavity. K.G. developed post-operative peritonitis and required a corrective laparotomy, during which her pelvis was determined to be severely

3. The full name of this patient and of the other patients referenced in this Accusation are being withheld for the protection of the patients' privacy. The names of the patients will be provided by complainant through the administrative discovery process.

1 infected. K.G.'s appendix was determined to be normal, and she did
2 not have an ectopic pregnancy.

3
4 **II. IN RE: "B.S." - APRIL 1989**

5 10. At all times relevant herein, B.S. was an adult
6 female individual residing in the State of California.

7 11. B.S. sought medical care from respondent for, inter
8 alia, complications from a delivery of a stillborn fetus.

9 12. On or about April 16, 1989, respondent admitted B.S.
10 to the hospital with post-partum heavy bleeding. Respondent
11 performed a D&C (dilation and curettage) procedure, during which he
12 perforated her uterus. B.S. continued to bleed profusely. Instead
13 of performing a laparoscopy at that time or determining reasons why
14 he did not need to do so, respondent sought to control the bleeding
15 with the insertion of a Foley catheter. B.S.'s bleeding abated
16 temporarily but recurred shortly thereafter. Several hours later,
17 respondent finally performed a laparoscopy, during which it was
18 determined that the uterine perforation was bleeding. Respondent
19 believed that the bleeding was from the placental site and
20 proceeded to perform a laparotomy during which he repaired the
21 uterus and ligated the hypogastric artery. Also during the
22 laparotomy, respondent needlessly prolonged the operation by
23 removing the appendix for suspected endometriosis.

24 /

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27 /

1 finally called in another gynecologist, who in turn called a
2 vascular surgeon for further assistance.

3
4 **V. IN RE: "L.W." - DECEMBER 1990**

5 19. At all times relevant herein, L.W. was an adult
6 female individual residing in the State of California.

7 20. L.W. sought medical care from respondent for, inter
8 alia, management of her pregnancy.

9 21. L.W.'s baby was due on December 9, 1990. As of
10 December 17, 1990, she had not yet delivered. Ultrasound
11 examination revealed oligohydramnios, which places the fetus at
12 risk for umbilical cord compression.

13 22. On or about December 18, 1990, respondent admitted
14 L.W. to the hospital for induction of labor. Respondent induced
15 labor over the next day and a half, during which the fetal heart
16 rate tracing exhibited slightly decreased variability. Full
17 cervical dilation was accomplished on December 18, 1990, and L.W.
18 initiated pushing efforts to effect vaginal delivery. L.W.
19 requested that the fetal and contraction monitoring equipment be
20 removed. Notwithstanding the fact that this was a high risk
21 pregnancy and that this stage of labor was the most likely to
22 result in cord compression, respondent removed said equipment. The
23 infant was born limp and needed assistance to initiate
24 respirations.

25 /

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27 /

1 VI. IN RE: "R.C." - MARCH 1991

2 23. At all times relevant herein, R.C. was an adult
3 female individual residing in the State of California.

4 24. R.C. sought medical care from respondent for, inter
5 alia, her pregnancy.

6 25. On or about March 25, 1991, respondent admitted R.C.
7 to the hospital as an outpatient for a pregnancy termination at
8 approximately 14 weeks' gestation. During the termination
9 procedure, respondent was not sure if he had removed the fetal
10 skull. Instead of employing ultrasound analysis, respondent used
11 instruments to attempt further uterine evacuation. Respondent
12 perforated the uterus of R.C. and, using excessive force, pulled a
13 portion of her sigmoid colon through the uterine perforation. The
14 repair of this situation required a subsequent laparotomy and a
15 diverting colostomy (which was reversed in or around July 1991).

16
17 VII. IN RE: "M.K." - JUNE 1991

18 26. At all times relevant herein, M.K. was an adult
19 female individual residing in the State of California.

20 27. M.M. sought medical care from respondent for, inter
21 alia, management of her pregnancy.

22 28. M.K.'s baby was due on June 15, 1991. As of June
23 27, 1991, she had not yet delivered.

24 29. On or about June 27, 1991, respondent admitted M.K.
25 to the hospital for induction of labor. Respondent applied
26 prostaglandin to ripen M.K.'s cervix notwithstanding the fact that
27 she had undergone a Cesarean delivery during her prior pregnancy.

1 30. Respondent removed the fetal monitors for the
2 patient's comfort, but fetal heart tracings revealed late heart
3 rate decelerations and a flat baseline. Respondent obtained no
4 fetal scalp samplings and did nothing to expedite delivery. The
5 infant ultimately was born with low Apgars and poor cord gasses.

6
7 **VIII. IN RE: "T.M." - JULY 1991**

8 31. At all times relevant herein, T.M. was an adult
9 female individual residing in the State of California.

10 32. T.M. sought medical care from respondent for, inter
11 alia, complications during her pregnancy.

12 33. On or about July 25, 1991, respondent admitted T.M.
13 for marginal placental previa at 31 weeks' gestation.

14 34. On or about August 6, 1991, respondent performed a
15 Cesarean section delivery on T.M.. Respondent then proceeded to go
16 on vacation without designating a physician who would be respon-
17 sible for the care of T.M. while she remained hospitalized and
18 without writing special orders for T.M. during his absence. T.M.
19 was not seen by a physician from August 7, 1991, until August 11,
20 1991, on which date T.M. complained that she had not been seen by
21 a physician since her Cesarean section and demanded that a
22 physician see her.

23 /

24 /

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IX. IN RE: "M.M." - NOVEMBER 1991

35. At all times relevant herein, M.M. was an adult female individual residing in the State of California.

36. M.M. sought medical care from respondent for, inter alia, problems related to her pregnancy.

37. On or about November 21, 1991, respondent admitted M.M. to the hospital for induction of labor. Respondent applied prostaglandin twice to M.M. to ripen her cervix. M.M. responded to the treatment; by the next day, her cervix dilated to 3 cm and was 90% effaced. At that point, respondent applied a third dose of prostaglandin, which led to prolonged uterine contraction and prolonged deceleration of the fetal heart rate. Although initial resuscitative steps led to improvement of the fetal heart rate, there were several episodes of deceleration and fetal hypoxia over the next seven hours. Respondent did not attempt fetal scalp sampling. Respondent also did not attempt the use of vaginal lavage or tocolytic drugs to attempt reversal of the adverse uterine response to the third application of prostaglandin.

38. After full cervical dilation was achieved, M.M. was unable to effect vaginal delivery. Respondent twice attempted a mid-forceps rotations in labor room with a McClain (or other inappropriate type) forceps, without success. The fetal heart rate then decelerated continuously and was not responsive to resuscitative efforts. Respondent performed an emergency Cesarean section and delivered a depressed female infant.

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/

CAUSES FOR LICENSE DISCIPLINE

39. By virtue of the facts set forth above, respondent was grossly negligent in his diagnosis, care, and treatment of K.G., B.S., S.S., E.G., L.W., R.C., M.K., T.M., and/or M.M., jointly and severally. Gross negligence is unprofessional conduct under B&P § 2234(b). Such unprofessional conduct constitutes grounds to impose discipline upon respondent's Physician's and Surgeon's Certificate pursuant to B&P §§ 2220, 2234.

40. By virtue of the facts set forth above, respondent was repeatedly negligent in his diagnosis, care, and treatment of K.G., B.S., S.S., E.G., L.W., R.C., M.K., T.M., and/or M.M.. The commission of repeated acts of negligence is unprofessional conduct under B&P § 2234(c). Such unprofessional conduct constitutes grounds to impose discipline upon respondent's Physician's and Surgeon's Certificate pursuant to B&P §§ 2220, 2234.

41. By virtue of the facts set forth above, respondent was incompetent in his diagnosis, care, and treatment of K.G., B.S., S.S., E.G., L.W., R.C., M.K., T.M., and/or M.M.. Incompetence is unprofessional conduct under B&P § 2234(d). Such unprofessional conduct constitutes grounds to impose discipline upon respondent's Physician's and Surgeon's Certificate pursuant to B&P §§ 2220, 2234.

OTHER MATTERS

42. B&P § 125.3 provides in pertinent part that:

"(a) Except as provided by law, in any order issued in resolution of a disciplinary proceeding before any board

1 within the department ... the board may request the
2 administrative law judge to direct a licensee found to have
3 committed a violation or violations of the licensing act to
4 pay a sum not to exceed the reasonable costs of the
5 investigation and enforcement of the case. ...

6 "(c) A certified copy of the actual costs, or a good
7 faith estimate of costs where actual costs are not available,
8 signed by the entity bringing the proceeding or its designated
9 representative shall be prima facie evidence of reasonable
10 costs of investigation and prosecution of the case. The costs
11 shall include the amount of investigative and enforcement
12 costs up to the date of the hearing, including, but not
13 limited to, charges imposed by the Attorney General.

14 "(d) The administrative law judge shall make a
15 proposed finding of the amount of reasonable costs of inves-
16 tigation and prosecution of the case when requested pursuant
17 to subdivision (a). The finding of the administrative law
18 judge with regard to costs shall not be reviewable by the
19 board to increase the cost award. The board may reduce or
20 eliminate the cost award, or remand to the administrative law
21 judge where the proposed decision fails to make a finding on
22 costs requested pursuant to subdivision (a)...."

23 43. Section 16.01 of the 1996/1997 Budget Act of the
24 State of California provides, in pertinent part, that:

25 "(a) No funds appropriated by this act may be expended to
26 pay any Medi-Cal claim for any service performed by a
27 physician while that physician's license is under suspension

1 or revocation due to disciplinary action of the Medical Board
2 of California.

3 "(b) No funds appropriated by this act may be expended to
4 pay any Medi-Cal claim for any surgical services or other
5 invasive procedure performed on any Medi-Cal beneficiary by a
6 physician if that physician has been placed on probation due
7 to a disciplinary action of the Medical Board of California
8 related to the performance of that specific service or
9 procedure on any patient, except in any case where the board
10 makes a determination during its disciplinary process that
11 there exist compelling circumstances that warrant continued
12 Medi-Cal reimbursement during the probationary period."

13
14 **PRAYER**

15 44. For the reasons set forth in paragraphs 1 through
16 43, inclusive, of this accusation, good cause exists to impose
17 discipline upon the Physician's and Surgeon's Certificate issued to
18 respondent.

19 **WHEREFORE**, the complainant requests that a hearing be
20 held on the matters herein alleged, and that following the hearing,
21 the Division issue a decision:

22 1. Revoking or suspending Physician's and Surgeon's
23 Certificate Number G-57582, heretofore issued to respondent
24 Laurence D. Colman, M.D.;

25 2. Revoking, suspending or denying approval of the
26 respondent's authority to supervise physician's assistants,
27 pursuant to Business and Professions Code section 3527;

3. Ordering respondent, if placed on probation, to pay the Division the costs of probation monitoring, pursuant to Business and Professions Code section 2227;

4. Ordering respondent to pay the Division the actual and reasonable costs of the investigation and enforcement of this case;

5. Taking such other and further action as the Division
deems necessary and proper.

DATED: April 15, 1997

RON JOSEPH
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

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